

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

KINGVISION PAY-PER-VIEW LTD.,
a Delaware corporation,

CV 05-1065-HU

Plaintiff,

ORDER

v.

SHILO INN, BEAVERTON, LLC, an Oregon
Limited Liability Company, et al.,

Defendants.

REDDEN, Judge:

On March 1, 2006, Magistrate Judge Hubel issued a Findings and
Recommendation (doc. 18) that defendants' motion to dismiss plaintiff's complaint
(doc. 5) should be granted. Defendants have filed timely objections and the matter

is now before me pursuant to 28 U.S.C. § 636(b)(1)(B) and Fed. R. Civ. P. 72(b) on de novo review. See 28 U.S.C. § 636(b)(1)(C); Bhan v. NME Hospitals, Inc., 929 F.2d 1404, 1415 (9th Cir. 1991).

On September 14, 2005, plaintiff brought this action under the Federal Communications Act of 1934, 47 U.S.C. §§ 553 and 605 alleging that on March 1, 2003, defendants unlawfully intercepted and showed one of plaintiff's closed-circuit boxing broadcasts. Defendants moved to dismiss on the ground the claim was barred by a two-year statute of limitation.

The federal Communications Act does not contain a specific time-limitation for bringing an action. The determinative issue is whether the court should apply the two-year statute of limitation under the federal Electronic Communications Privacy Act (EPCA),¹ the three-year federal Copyright Act limitation,² or the six-year Oregon limitation for theft of cable services.³

Magistrate Judge Hubel thoroughly analyzed the parties' positions and relevant case law. I agree with his reasoning and conclusion that EPCA is more closely analogous to the Communications Act, and that its limitation period is appropriate to provide uniformity.

Finding no error in the Findings and Recommendation, I adopt them as my own.

¹ 18 U.S.C. §§ 2510-2521

² 17 U.S.C. § 505(b)

³ ORS 30.194; ORS 12.080.

Accordingly, the motion to dismiss (doc. 5) is **GRANTED**.

IT IS SO ORDERED.

DATED this 26th day of April, 2006.

/s/ James A. Redden
James A. Redden
Senior United States District Judge